DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/4/2008 has been entered.

Response to Arguments

2. The indicated allowability of claims 23, 24, 26, 27, 34, 35 and 37-39 are withdrawn in view of the newly discovered reference(s) to Agrawal et al. (WO 00/31889). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 23, 24, 26, 27, 34, 35, 37-39 and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al. (WO 00/31889) and the admitted prior art of the instant application.

- With regard claim 23, Agrawal et al. discloses a communication system, an apparatus for processing a frame of data comprising:

  a finger resource for partitioning said frame of data into a plurality of portions of data symbols (Fig.6 elements 570.0-570.3 and page 12 lines 4-14);

  a plurality of channel elements for demodulating data symbols of said plurality of portions of data symbols, respectively (Fig.5 elements 312.0 – 312.11 and page 13 lines 16-22); and

  a RAM for writing, and subsequently reading, demodulated data symbols from said plurality of channel elements in accordance with a de-interleaving function in said communication system (Fig.5 elements 322.0-322.11 and Fig.8 element 600 and page 15 lines 33-39).

  Agrawal et al. discloses all of the subject matter as described in the above paragraph except for specifically teaching wherein the number of said plurality of portions of data symbols is based on a data rate of data symbols of said frame of data.

  However, the admitted prior art of the instant application teaches wherein the number of said plurality of portions of data symbols is based on a data rate of data symbols of said frame of data (page 2 lines 2-12) in order to facilitate the data recovery process so that the receiver can process high data rate and low data rate at the same time. Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the method of partitioning process as taught by the admitted prior art of the instant

application into Agrawal's finger resource or channel element circuit in order to facilitate the data recovery process so that the receiver can process high data rate and low data rate at the same time.

- With regard claim 24, Agrawal et al. further discloses wherein the number of said plurality of channel elements is based on a data rate of data symbols of said frame of data (page 11 line 34 – page 12 lines 1-20).
- With regard claim 26, Agrawal et al. further discloses a communication system, an apparatus for processing plurality frames of data comprising (page 9 lines 12-26). All other limitation is contained in claim 23. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 27, Agrawal et al. further discloses a communication system, an apparatus for processing plurality frames of data comprising (page 9 lines 12-26). All other limitation is contained in claim 24. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 34, which is a mean plus function claim related to claim 23, all limitation is contained in claim 23. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 35, which is a mean plus function claim related to claim 24, all limitation is contained in claim 24. The explanation of all the limitation is already addressed in the above paragraph.

- With regard claim 37, which is a mean plus function claim related to claim 26, all limitation is contained in claim 26. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 38, which is a mean plus function claim related to claim 27, all limitation is contained in claim 27. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 39, Agrawal et al. further discloses means for receiving information related to a data rate of data symbols of each of said plurality of frames of data (page 11 line 34 – page 12 lines 1-20).
- With regard claim 44, which is a method claim related to claim 23, all limitation is contained in claim 23. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 45, which is a method claim related to claim 24, all limitation is contained in claim 24. The explanation of all the limitation is already addressed in the above paragraph
- With regard claim 46, which is a method claim related to claim 37, all limitation is contained in claim 37. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 47, which is a method claim related to claim 38, all limitation is contained in claim 38. The explanation of all the limitation is already addressed in the above paragraph.

- With regard claim 48, which is a method claim related to claim 39, all limitation is contained in claim 39. The explanation of all the limitation is already addressed in the above paragraph.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ted M Wang/
Primary Examiner, Art Unit 2611

Ted M. Wang